

MEMORANDUM

To: Board of Regents
From: Board Office
Subject: Notice of Intended Action to file amendments to Administrative Rules
Date: June 7, 2004

Recommended Actions:

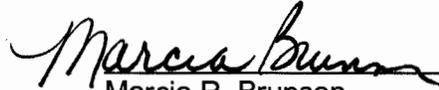
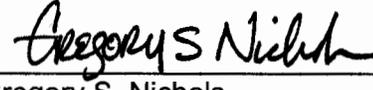
1. Approve filing of Notice of Intended Action to amend Iowa Administrative Code §681, Chapter 3.
2. Authorize the Executive Director to file the notice in the appropriate format.

Executive Summary:

- Changes in the Iowa Code
 - In the 2003 session of the General Assembly the Department of Administrative Services (DAS) was created. This agency has, among other areas, oversight of the state personnel function.
 - The statute governing the state personnel function was Iowa Chapter 19A. With the creation of DAS, the personnel chapter, Chapter 19A, was repealed; and the language moved to Chapter 8A.
 - The administrative rules of the Regent Merit System contain many references to 19A. The proposed amendments change those references to 8A.
- Eliminate requirement for public hearing
 - It is also proposed to strike language in the Regent Merit System Rules which requires a public hearing before the Board adopts the pay plan. There is no longer a statutory requirement for a public hearing. Also, the pay plans are established through the AFSCME collective bargaining process for the organized staff. The nonorganized pay plan has historically been the same as the plan for the AFSCME-covered staff.
 - In a previous rule change, the provisional appointment status was eliminated. The provisional appointment status was referenced in a separate section of the rules and overlooked when the initial rule change was made. It is now proposed to eliminate this reference.
 - Text of the amendments is attached to this memorandum.

Filing

- The Notice of Intended Action will be filed following approval by the Board.

 Approved: 
Marcia R. Brunson Gregory S. Nichols

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REGENTS BOARD (681)
Notice of Intended Action

Pursuant to the authority of Iowa Code section 262.9(3), the Board of Regents hereby gives Notice of Intended Action to amend Chapter 3, "Personnel Administration", Iowa Administrative Code.

These amendments are intended to change numerous references in Chapter 3 from Iowa Code chapter 19A to 8A.

In addition, subrule 3.37 is amended to eliminate the need for an annual public hearing on the pay plan. There is no longer a statutory requirement for a public hearing. The pay plans for union-covered staff are negotiated in the collective bargaining process.

Subrule 3.104e(3) is amended to strike the word "provisional". This type of appointment was eliminated when Chapter 3 was amended in June 2002. The reference in this subrule to provisional appointment was overlooked at that time.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested person may make written comments on the proposed amendments on or before July 27, 2004. Written comments may be directed to Marcia Brunson, Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 50322. Comments may also be made by e-mail to mbruns@iastate.edu, by phone at (515)281-3934 or by fax at (515)281-6420.

These amendments are intended to implement Iowa Code chapter 8A.

The following amendments are proposed.

ITEM 1. Amend the parenthetical implementation statutes in Chapter 3 by striking 19A and inserting 8A.

ITEM 2. Amend all references to 19A in Chapter 3 to reflect 8A.

ITEM 3. Amend subrule 681—3.2(19A) as follows:

All employees of the board of regents, except those exempted by Iowa Code section ~~49A.3~~ 8A.412(3), will be covered under the rules of this system.

ITEM 4. Amend subrule 681—3.26(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code sections ~~49A.3(5)~~ 8A.412(5) and ~~49A.9~~ 8A.413.

ITEM 5. Amend subrule 681—3.37(19A) as follows:

The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimums and maximums for each grade. Each class will be assigned to a

pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for similar work by other employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of Iowa Code chapter 20. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences. ~~Prior to final approval by the board of regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each board of regents institution. After approval by the board of regents, the plan will be submitted for approval to such other authority as required by law.~~

ITEM 6. Amend subrule 681—3.39(18) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9~~ 8A.413.

ITEM 7. Amend subrule 681—3.69(2) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9(7)~~ 8A.413(7).

ITEM 8: Amend subrule 681—3.82(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9~~ 8A.413(9).

ITEM 9. Amend subrule 681—3.85(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9~~ 8A.413(9).

ITEM 10. Amend subrule 681—3.101(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code sections ~~49A.4~~ 8A.402 and ~~49A.9~~ 8A.413.

ITEM 11. Amend subrule 681—3.104(4) subparagraph c as follows:

The order of reduction in force will be by type of appointment as follows: temporary, ~~provisional~~, trainee, initial probationary, permanent.

ITEM 12. Amend subrule 681—3.104(5) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9(14)~~ 8A.413(14).

ITEM 13. Amend subrule 681—3.11(19A) as follows:

All employees may be subject to disciplinary action for any of the reasons specified in section ~~49A.9(16)~~ 8A.413(16).

ITEM 14. Amend subrule 681—3.127(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code section ~~49A.9~~ 8A.413.

ITEM 15. Amend subrule 681—3.128(19A) last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code sections ~~49A.4~~ 8A.402, ~~49A.9~~ 8A.413, and ~~49A.18~~ 8A.416.

ITEM 16. Amend subrule 681—3.151 last unnumbered paragraph as follows:

This rule is intended to implement Iowa Code sections ~~49A.9~~ 8A.413 and 262.9(2).